REMARKS/ARGUMENTS

The Office Action mailed February 3, 2003 has been reviewed and carefully considered. Claims 1 and 2 have been amended. Claims 1-7 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed February 3, 2003, claims 1-3 stand rejected under 35 U.S.C. §103 as unpatentable over WO 99/35830 (Thomson) in view of U.S. Patent No. 6,260,192 (Rosin).

Claims 4-5 stand rejected under 35 U.S.C. §103 as unpatentable over Thomson and Rosin in view of U.S. Patent No. 6,208,335 (Gordon).

Claims 6-7 stand rejected under 35 U.S.C. §103 as unpatentable over Thomson and Rosin in view of WO 83/03181 (Maruoka).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a portable rating apparatus (i.e., a user-manipulable control 12 dedicated for rating a media content) incorporated in a portable media player (p. 7, lines 6-7). The portable media player 16 includes a processor 14 and memory device 18, wherein the processor 14 plays media contents stored in the memory device 18 (p. 6, lines 15-20). Using the user-manipulable control 12, a user can rate a currently playing media content (p. 8, lines 13-14). The processor compiles a content ratings list 18a of user-supplied ratings associated with media content stored in the memory device 18 (see p.8, lines 14-16). The processor 14 of the media player 16 then can selectively play media content from the memory 18 which are categorized by the user based on the stored content ratings (p. 4, lines 12-13 and p. 6, lines 19-20). That is, the present invention provides a personal rating list

with the media contents stored locally in the memory of the portable media player. The memory of the media player stores both the media contents that are selectively played by the processor and the ratings associated with the media contents.

Independent claim 1 has been amended to clarify that the signal generated by the user-manipulable control is operatively connected to the processor of the portable media player, that the processor receives the signal from the user-manipulable control and associates the user-supplied rating with the currently played media in the ratings list in the memory device within the media player, and that the media contents played by the portable media player are stored in the memory device. Furthermore, independent claim 1 clarifies that the media contents that are played are selected from the memory in the portable media player based on the ratings. Support for the changes to independent claim 1 is found in page 6, lines 15-20 and from page 8, line 1 - page 9, line 4.

Thomson fails to teach a ratings apparatus connected to a portable media player which includes a processor and a memory device, wherein the memory device stores media contents and a ratings list of user-submitted ratings associated with the media contents, and wherein the processor selectively plays the media contents in the memory device based on the ratings.

Thomson discloses a television system such as a satellite system in which programs are broadcast from a remote source, i.e., transmitter 400T, to a plurality of users via a satellite 400S (p. 7, line 25 - p.8, line 4). Each user has a set-top-box, i.e., receiver 400R, for receiving the broadcast signal. Thomson further discloses that the user includes a remote control device 450R to input ratings of a program to the set-top-box (p. 5, lines 10-25). The rating is then stored in a memory 421R in the set-top-box 400R along with other programming information associated with the selected program (p.6, lines 21-25). The central broadcaster uses the ratings to suggest

programs to the user based on the user entered ratings information by comparing the user entered rating information with the program guide information (p. 6, lines 26-30). Thomson discloses various methods which utilize the user entered rating information and the remotely received program guide data. In a simple suggestion algorithm, the central broadcaster suggests to a viewer all the programs which have the same characteristics, i.e., same actor, producer, and/or theme, as a program which has received the highest user rating, based on program information from the program guide

In contrast to the present invention, Thomson fails to teach or suggest generating a signal indicating a user-supplied rating of a currently played media content, as recited in amended independent claim 1 of the present application.

Thomson's independent claim 1 recites the steps of receiving from a remote source a plurality of programs and associated program information, selecting a first program from said plurality of programs in response to a user input, inputting rating information for said first selected program, and selecting a second program in response to said input rating information and said associated program information. Independent claim 1 of Thomson discloses that the second program is selected based on ratings of the first selection and the program guide information. Thus Thomson relates to program guides which enable selection of a program in the program guide and inputting.

Furthermore, Thomson also fails to teach that the ratings are stored in the memory in which the media contents are stored. In fact, Thomson fails to teach or suggest that the media contents to be played are stored in a memory device because Thomson relates to program guide. Thomson discloses on p. 3, lines 4-14 that systems are known for monitoring what a user has previously watched, and then suggesting similar programming based on the watching habits, as

disclosed, for example, in allowed U.S. Patent Application No. 08/573,113, filed 12/15/95. As further stated in Thomson, these known systems do not allow the user to modify the monitoring process in accordance with user preferences.

In addition, Thomson also fails to teach or suggest a media player for selectively downloading and playing the media contents stored in the memory device, for receiving the signal from the user-manipulable control, and for associating the user-supplied rating indicated by the signal with the currently played media content. Rather, Thomson merely presents a suggestion of a program from a program guide information and user ratings of previous programs. Thomson further fails to teach or suggest that the rating apparatus is connected with a portable media player which includes a processor for playing the media contents and a memory which includes the media contents which are selectively played by the processor based on ratings also stored in the memory. The Examiner states that the set-top-box of Thomson is portable because it can be moved from one location to another. Applicant's respectfully disagree and submit that those skilled in the art understand that portability in a media player means that the media player can be used during movement. Otherwise, home stereos would be considered portable because they too are movable from one location to another. Although the input device used by Thomson may be considered portable, the set-top-box for a television is not portable. Assuming *arguendo* that the set-top-box of Thomson is considered portable because it is movable from one location to another, Thomson fails to teach or suggest a memory device which stores the media contents to be selectively downloaded and played based on the user-supplied ratings in the ratings list associated with the media contents, as recited in the amended independent claim 1 of the present application.

Rosin fails to teach what Thomson lacks. Rosin discloses a system for selectively displaying multimedia internet content and broadcast data and television programming on a

television screen (col. 2, lines 44-49 and col. 4, lines 12-15). As shown in Fig. 1, and described in col. 4, starting at line 15, each client or user 10 includes a set-top-box 12 with a processor 20 which is connected to a television screen. The processor 20 is connected with a video connection by cable 17 or satellite 19 (see col. 4, lines 45-46). The processor is also connected (or connectable to) a server 16 via a modem. A user may switch between internet content and television programming (col. 9, lines 22-24). Accordingly, Rosin discloses that the media content is either received from a web page or a television transmitting station and fails to disclose a media player having a memory device with the media content to be played. Rosin also teaches passive filtering of selected web sites or content based on past pattern usage of the user. However, this fails to disclose the user-manipulable control as recited in the amended independent claim 1 of the present application.

In view of the above amendments and remarks, it is respectfully submitted that neither Thomson, Rosin, nor the combined disclosures thereof teach or suggest a portable media player having a memory device and a processor, wherein the processor selectively plays media contents stored in the memory device based on ratings received from a user-manipulable control, and wherein the ratings are also stored in the memory device, as expressly recited in the amended independent claim 1 of the present application.

Dependent claims 2-7, being dependent on independent claim 1, are also allowable for at least the same reasons as independent claim 1.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

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